

Practitioner's Docket No. MPI00-5350MNICN1M

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Fraser, Christopher C., et al

Application No.: 10/741,790

Group No.: 1646

Filed: December 19, 2003

Examiner: Jiang, Dong

For: NOVEL GENES ENCODING PROTEINS HAVING PROGNOSTIC,
DIAGNOSTIC, PREVENTIVE, THERAPEUTIC, AND OTHER USES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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INFORMATION DISCLOSURE STATEMENT

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. (x) Preliminary Statements
2. (x) Copy of Form PTO-892 as filed in prior U.S. Application Serial No. 09/578,063, now U.S. Patent No. 6,764,677 (3 pages);
3. (x) Form PTO/SB/08A (1 page);
4. (x) Form PTO/SB/08B (3 pages);
5. (x) Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
6. (x) Identification of Person(s) Making This Information Disclosure Statement

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

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Practitioner's Docket No. MPI00-535OMNICN1M

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted

This application relies, under 35 U.S.C. section 120, on the earlier filing date of prior application SN.: 09/578,063, filed on May 24, 2000, now U.S. Patent No. 6,764,677.

The cited references in Form PTO-892 and in forms PTO/SB/08A and PTO/SB/08B (as Form PTO-1449) were submitted to, and/or cited by, the Office in the prior application(s) and, therefore, are not required to be provided in this application. However, the undersigned will provide additional copies upon request.

August 8, 2006

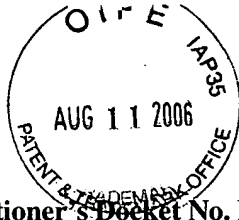
MILLENNIUM PHARMACEUTICALS, INC.

By



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Practitioner's Docket No. MPI00-535OMNICN1M

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Fraser, Christopher C., et al		
Application No.:	10/741,790	Group No.:	1646
Filed:	December 19, 2003	Examiner:	Jiang, Dong
For:	NOVEL GENES ENCODING PROTEINS HAVING PROGNOSTIC, DIAGNOSTIC, PREVENTIVE, THERAPEUTIC, AND OTHER USES		

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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

**IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING
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The information disclosure statement submitted herewith is being filed:

- ☒ Within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

OR

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Practitioner's Docket No. MPI00-535OMNICN1M

- (1) a final action under Section 1.113,
- (2) a notice of allowance under Section 1.311, or
- (3) an action that otherwise closes prosecution in the application

whichever occurs first.

[] Accompanying this transmittal is the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c). (\$180.00).

[] Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(1).

[] No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in Section 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(2).

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[] The information disclosure statement transmitted herewith is being filed *after* a final action under Section 1.113, or a notice of allowance under Section 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.

[] In accordance with the requirements of 37 C.F.R. Section 1.97(d):

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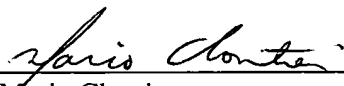
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<input type="checkbox"/> A duplicate of this request is attached.			

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<u>August 8, 2006</u>	MILLENNIUM PHARMACEUTICALS, INC.
	By <u></u>
	Mario Cloutier Registration No. 57,225 40 Landsdowne Street Cambridge, MA 02139 Telephone - 617-577-3522 Facsimile - 617-551-8820

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Substitute for form 1449B/PTO <h2 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center;"><i>(use as many sheets as necessary)</i></p>		Complete if Known	
		Application Number	10/741,790
		Filing Date	December 19, 2003
		First Named Inventor	Fraser, Christopher C.
		Group Art Unit	1646
		Examiner Name	Jiang, Dong
Sheet	1	of	3
		Attorney Docket Number	MPI00-535OMNICN1M

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include the name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published.	T ²
	C1	ELSBACH, 1998, Journal of Leukocyte Biology, 64:14-18	
	C2	MAHADEVA et al., 1997, Chest 112:1699-1701 (sequence) GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on April 24, 2002]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. AK057788	
	C3	DOCHERTY et al., Gastric triacylglycerol lipase precursor (Gastric Lipase) (GL) (Lingual Lipase). (sequence) GenPept [online]. Bethesda, MD, USA: National Center for Biotechnology Information [created on August 13, 1987]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenPept Accession No. P04634	
	C4	VAGANAY et al., Gastric triacylglycerol lipase precursor (Gastric Lipase)(GL). (sequence) GenPept [online]. Bethesda, MD, USA: National Center for Biotechnology Information [created on November 1, 1991]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenPept Accession No. P80035	
	C5	LIVINGSTON, R.J. et al., Gastric triacylglycerol lipase precursor (Gastric Lipase)(GL). (sequence) GenPept [online]. Bethesda, MD, USA: National Center for Biotechnology Information [created on April 1, 1988]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenPept Accession No. P07098	
	C6	SUZUKI, Y. et al., Lysosomal acid lipase/cholesteryl ester hydrolase precursor (LAL)(Acid cholesteryl ester hydrolase)(Sterol esterase)(Lipase A)(Cholesteryl esterase). (sequence) GenPept [online]. Bethesda, MD, USA: National Center for Biotechnology Information [created on October 1, 1994]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenPept Accession No. P38571	
	C7	WILSON et al., Hypothetical protein C06E1.3. (sequence) GenPept [online]. Bethesda, MD, USA: National Center for Biotechnology Information [created on February 1, 1994]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenPept Accession No. P34298	
	C8	NCI-CGAP http://www.ncbi.nlm.nih.gov/ncicgap , nh47c10.s1 NCI_CGAP_Pr5 Homo sapiens cDNA clone IMAGE:955506 similar to SW:TSG6_HUMAN P98066 TUMOR NECROSIS FACTOR-INDUCIBLE PROTEIN TSG-6 PRECURSOR: mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [August 20, 1997]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. AA506741	
	C9	MARRA et al., vs90b02.r1 Barstead mouse myotubes MPLRB5 Mus musculus cDNA clone IMAGE:1153515 5' similar to SW:UROT_RAT P19637 TISSUE PLASMINOGEN ACTIVATOR PRECURSOR; mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [November 25, 1997]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. AA670682	
	C10	MARRA et al., vi87g10.r1 Stratagene mouse heart (#937316) Mus musculus cDNA clone IMAGE:919266 5'; mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [July 1, 1997]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. AA499001	

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/741,790
				Filing Date	December 19, 2003
				First Named Inventor	Fraser, Christopher C.
				Group Art Unit	1646
				Examiner Name	Jiang, Dong
Sheet	2	of	3	Attorney Docket Number	MPI00-535OMNICN1M

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include the name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published.	T ²
	C11	MARRA et al., vu67d08.r1 Stratagene mouse skin (#937313) Mus musculus cDNA clone IMAGE:1196463 5'; mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [February 9, 1998]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. AA794194	
	C12	MARRA et al., vv53h10.r1 Soares_thymus_2NbMT Mus musculus cDNA clone IMAGE:1226179 5', mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [January 21, 1998]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. AA756504	
	C13	MCLAREN, S., Human DNA sequence from clone CTA-57G9 on chromosome 22q12.1, complete sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [May 18, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. Z95116	
	C14	WIJNGAARD, et al., B.bovis WC1.1 mRNA GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [April 18, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. X63723	
	C15	ADAMS, R.H., M. musculus mRNA for semaphoring B. mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [April 18, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. X85991	
	C16	NCI-CGAP http://www.ncbi.nlm.nih.gov/ncicgap , aa34h11.r1 NCI_CGAP_GCB1 Homo sapiens cDNA clone IMAGE:815205 5', mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [August 14, 1997]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. AA481246	
	C17	HILLIER, et al., ze94e06.r1 Soares_fetal_heart_NbHH19W Homo sapiens cDNA clone IMAGE:366658 5', mRNA sequence GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [February 1, 1997]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. AA029404	
	C18	MACKE, et al., 17e7 Human retina cDNA randomly primed sublibrary Homo sapiens cDNA, mRNA sequence GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [May 8, 1996]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. W25986	
	C19	HILLIER, et al., zj63a09.s1 Soares_fetal_liver_spleen_1NFLS_S1 homo sapiens cDNA clone IMAGE:454936 3', mRNA GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [February 5, 1998]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. AA779337	

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OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include the name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published.	T ²
	C20	HILLIER, et al., zn42f02.r1 Stratagene endothelial cell 937223 Homo sapiens cDNA clone IMAGE:550107 5', mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [August 1, 1997]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. AA082143	
	C21	MARRA, et al., mellb04.r1 Soares mouse embryo NbME13.5 14.5 Mus musculus cDNA clone IMAGE:387151 5', mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [June 11, 1996]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. W65734	
	C22	MARRA, et al., mj65c04.r1 Soares mouse p3NMF19.5 mus musculus cDNA clone IMAGE:480966 5', mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [September 23, 1996]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. AA059511	
	C23	MARRA, et al., mq60d04.r1 Soares_thymus_2NbMT Mus musculus cDNA clone IMAGE:583111 5', mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [February 19, 1997]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. AA153748	
	C24	SMITH, M., Human DNA sequence from clone RP1-149A16 on chromosome 22 contains four novel genes (LOC339666, HSPC117), the RFPL3 gene for ret finger protein-like 3, a immunoglobulin lambda chain pseudogene, the RFPL3S gene for ret finger protein-like 3 antisense, the BPIL2 gene for bactericidal/permeability-increasing protein-like 2, the 5' end of the FBXO7 gene for F-box protein 7 and three CpG islands, complete sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [May 18, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. AL021937	
	C25	AMEIS, et al., H. sapiens mRNA for lysosomal acid lipase. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [April 18, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. X76488	
	C26	HILLIER, et al., zd90g02.s1 Soares_fetal_heart_NbHH19W homo sapiens cDNA clone IMAGE:356786 3', mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [October 17, 1996]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. W80832	
	C27	HILLIER, et al., ab94f09.s1 Stratagene lung (#937210) homo sapiens cDNA clone IMAGE:854633 3', mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [May 5, 1998]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov/ >. GenBank Accession No. AA630445	

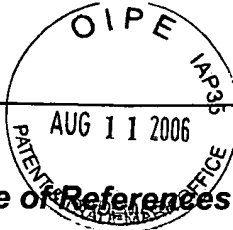
Examiner Signature		Date Considered	
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09/578,063

Applicant(s)/Patent Under

Reexamination

MCCARTHY ET AL.

Examiner

Dong Jiang

Art Unit

1646

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,807,726	09-1998	Blanchard et al.	
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
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FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
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Dong Jiang

Notice of References Cited

Application/Control No.

09/578,063

Applicant(s)/Patent Under
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MCCARTHY ET AL.

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Art Unit

1646

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	A	US-			
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	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	S. Vukicevic et al. Induction of nephrogenic mesenchyme by osteogenic protein 1 (bone morphogenetic protein 7). 1996. Proc. Natl. Acad. Sci. USA, 93: 9021-26.
	V	J. Skolnick et al. From genes to protein structure and function: novel applications of computational approaches in the genomic era. 2000. Trends in Biotechnology, 18(1): 34-39.
	W	S. E. Brenner. Errors in genome annotation. 1999. Trends in Genetics, 15(4): 132-33.
	X	R.A. Anderson et al. Cloning and expression of cDNA encoding human lysosomal acid lipase/cholesteryl ester hydrolase. 1991. J. Biol. Chem., 266(33): 22479-84.

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	A	US-			
	B	US-			
	C	US-			
	D	US-			
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FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	H. Du et al. Locus HSU08464, 6/23/94. Accessed 8/27/01 (see attached computer printout).
	V	
	W	
	X	

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